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NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

ALICE N. FRANCISCO, M.D.
License No. MA33619

Administrative Action

CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners by the filing of a Provisional Order of Discipline on January 21, 2004, by Peter C. Harvey, Attorney General of New Jersey, by Mileidy Perez, Deputy Attorney General, seeking to suspend Respondent's license to practice medicine and surgery in the State of New Jersey pursuant to N.J.S.A.45:1-21(b) and (g). The Provisional Order was based on information that on or about July 17, 2003, the New York State Department of Health, State Board for Professional Medical Conduct, ("New York Board") charged Respondent with committing professional misconduct by practicing

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the profession of medicine fraudulently. Specifically, the New York Board alleged that during periods in and between 2000 and 2002, Respondent knowingly gave inaccurate responses with respect to her exclusion from the Medicaid program (effective January 1990 and affirmed in May 1994) on a reinstatement application filed with the New York State Medicaid Program and on application forms in connection with locum tenens work, employment and/or staff privileges at North General Hospital, New York, N.Y., Metropolitan Hospital Center, New York, N.Y., St. Vincent's Hospital and Medical Center, New York, N.Y., and/or through Daniel & Yeager, Huntsville, Alabama and Interim Physicians, Atlanta, Georgia. Respondent was excluded from participating in the Medicaid Program by the New York Department of Social Services for a period of five (5) years after a determination that Respondent had received overpayments in an amount in excess of \$130,000.00 and was ordered to pay full restitution. Said decision by the New York Department of Social Services was affirmed on May 14, 1994 by the Office of Administrative Hearings.

On July 31, 2003, the New York Board issued a Consent Order and Agreement in full satisfaction of the charges against Respondent wherein Respondent agreed not to contest the charge of Fraudulent Practice. By entry of the Consent Order Respondent's license to practice medicine and surgery was limited pursuant to § 230-a of the Public Health Law, "to preclude patient contact and

any practice of medicine, clinical, or otherwise" and also precluding Respondent from "diagnosing, treating, operating or prescribing for any human disease, pain, injury deformity, or physical condition" indefinitely.

On or about December 1, 2003, the State of Michigan Department of Community Health, Board of Medicine ("Michigan Board") issued a Consent Order and Stipulation suspending Respondent's license to practice medicine for a minimum period of six (6) months and one day for each violation of the Public Health Code. Said periods of suspension run concurrently. The Michigan Board found that Respondent violated section 16221(b)(x) of the Public Health Code based on the disciplinary action taken against Respondent's license in New York and that Respondent violated section 16221(i) of the Public Health Code, in that Respondent failed to notify the Board of the disciplinary action in the State of New York.

The parties being desirous of resolving this matter and the Board finding the within Order to be adequately protective of the public interest and for good cause shown,

ACCORDINGLY, IT IS on this 8 day of Sept., 2004,
ORDERED AND AGREED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is hereby suspended for a period of six (6) months and until such time as Respondent has satisfied the restitution imposed by the New York State Department of Social

Services for Medicaid overpayments received by Respondent within confines of a pending Chapter 13 bankruptcy case in U.S. District Court in New Jersey, case no. 00-39258/DHS, filed September 20, 2000, or paid directly to the State of New York.

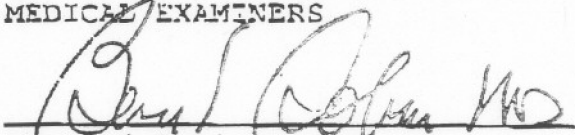
2. Respondent shall return her original New Jersey license, current biennial registration, and original CDS registration to William Roeder, Executive Director, State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183, within thirty (30) days of the entry of this Order.

3. Respondent shall immediately advise the DEA of this Order.

4. Upon satisfaction of paragraph 1 above, Respondent shall have leave to apply to the Board for reinstatement of her License to practice medicine and surgery in the State of New Jersey. In the event that reinstatement is sought, Respondent shall appear before the Board or a committee thereof to demonstrate fitness to resume practice and to show that she has satisfied all of the aforementioned requirements of this Order with respect to the restitution to the New York State Department of Social Services and all of the requirements of any Michigan disposition. Any practice in this State prior to reinstatement shall constitute grounds for the charge of unlicensed practice. The Board reserves the right to place restrictions on Respondent's practice should her license be reinstated.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

BY


Bernard Robins, M.D., F.A.C.P.
Board President

I have read and understand the
within Consent Order and agree
to be bound by its terms. Consent
is hereby given to the Board to
enter this Order.


Alice N. Francisco, M.D.


Date

Consent as to form and entry:


Robert A. Blass, Esq.


Date

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently **surrendered** must remove signs and take affirmative action to stop **advertisements by** which his/her eligibility to practice is **represented**. The licensee must also **take** steps to **remove** his/her name from **professional** listings, telephone directories, **professional** stationery, or billings. If the licensee's name is utilized in a group practice title, it **shall be deleted**. Prescription **pads** bearing the licensee's name **shall** be destroyed. A destruction report form obtained from the Office of **Drug** Control (973-504-6558) must **be** filed. If no other licensee is **providing services** at the location, all medications must **be** removed **and** returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license **has** been suspended for **less** than one year, prescription **pads** **and** medications need not **be destroyed** but must **be** secured in a **locked** place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or **share** in any fee for professional services **rendered** by him/herself or others while **barred** from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective **date** of the Board action.

A licensee who is a shareholder in a professional **service** corporation organized to engage in the professional practice, whose license is revoked, **surrendered or suspended** for a term of one (1) year or more shall **be** deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee **shall** divest him/herself of all financial interest in the professional service corporation pursuant to **N.J.S.A. 14A:17-13(c)**. A licensee who is a **member of** a limited liability company **organized** pursuant to **N.J.S.A. 42:1-44**, shall divest him/herself of all financial interest. Such divestiture **shall** occur within 90 **days** following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee **shall** forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has **been** terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must **be dissolved** within 90 **days** of the licensee's disqualification.

4. Medical Records

If, **as** a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a **message** will **be** delivered to patients calling the former office premises, advising where **records** may **be** obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also **be** disseminated by means of a notice to **be** published at least **once** per month **for** three (3) months in a **newspaper** of

general circulation in the geographic vicinity in which the practice **was conducted**. At the **end of** the three month period, the licensee **shall** file with **the** Board the name and **telephone number of** the contact **person** who **will have** access to medical **records** of former patients. **Any** change in that individual or his/her telephone number shall **be** promptly reported to the Board. When **a** patient or his/her representative requests a copy of his/her medical **record** or **asks** that **record be forwarded** to another health care provider, the **licensee** shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With **respect** to any licensee who is **the subject** of any Order imposing a probation or monitoring **requirement or a stay** of an active suspension, in whole or in **part**, which **is conditioned** upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the **Board** and **its designated** representatives, including **the** Enforcement Bureau of the Division of Consumer **Affairs**, in ongoing monitoring of the licensee's status and practice. Such monitoring **shall be** at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions **may include**, but **is** not limited to, inspection **of the professional premises and** equipment, **and** inspection and copying of patient **records** (confidentiality of patient identity **shall be** protected by the Board) to verify compliance with the **Board** Order **and** accepted standards of practice.

(b) Monitoring of status conditions for an impaired **practitioner** may include, but **is** not limited to, practitioner cooperation in providing releases permitting unrestricted access to **records** and other information to the extent **permitted by** law from any treatment facility, other treating practitioner, support group or other individual/facility **involved in the** education, treatment, monitoring or oversight of the practitioner, **or** maintained **by** a rehabilitation program for impaired practitioners. If **bodily** substance monitoring **has** been ordered, the practitioner shall fully cooperate by responding to a demand for breath, **blood**, urine or other sample **in** a timely manner **and** providing the designated sample.



ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number': _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.



NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to **N.J.S.A. 52:14B-3(3)**, all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to these requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.